

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
September 12, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:48 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: Allie Greenleaf Maldonado, Assistant General Counsel

Staff Present: Albert Colby, Jr., Su Lantz, Heidi Yapple

Guests: Carol McFall, Constance Steele, Harvey Gibson, Brittany Bentley, James Nye, Tom Shields, Joseph Sowmick, Valerie Biro, Eleanor Barber, Sharon Sierzputowski, Theresa Henry, Edith Teuthorn, Rochelle Ettawageshik, Marcia Sutton

Opening Ceremony: Treasurer Alice Yellowbank

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt the agenda as amended for September 12, 2004 in recognition of the signing of the Reaffirmation Act for Public Law 103-324 by President Clinton on September 21, 1994 @ 5:56 p.m. in the Oval Office.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to approve the minutes for August 22, 2004 as corrected.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the Elders verbal report as given by Harvey Gibson on September 12, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to apologize to the Elders that were promised services that were not provided and to apologize to Margaret Wright for failing to build her ramp as promised.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Treasurer's verbal and written report as presented by Valerie Tweedie, C.F.O., for September 12, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

10:54 a.m. Councilor Rita Shananaquet leaves

10:57 a.m. Councilor Rita Shananaquet returns

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve Policy number A110-00 Capital Acquisition and Disposition Policy and A111-00 Capitalization and Depreciation Policy.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

11:08 a.m. 5-minute recess called

11:22 a.m. meeting reconvened

11:38 a.m. Councilor Rita Shananaquet leaves

11:42 Councilor Rita Shananaquet returns

11:45 a.m. Public Comment opened: Carol McFall, Constance Steele, Andrew Stich, Allie Greenleaf Maldonado, Harvey Gibson

11:51 a.m. Councilor Rita Shananaquet leaves

11:58 a.m. Councilor Rita Shananaquet returns

11:58 a.m. Public Comment closed

12:02 p.m. Lunch recess

2:01 p.m. meeting reconvened

2:42 p.m. Councilor Rita Shananaquet leaves

2:43 p.m. Councilor Rita Shananaquet returns

2:51 p.m. Councilor Rita Shananaquet leaves

2:51 p.m. Councilor Rita Shananaquet returns

3:15 p.m. recess called

3:50 p.m. meeting reconvened

3:59 p.m. Public Comment opened: Marie Boda

4:02 p.m. Public Comment closed

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #091204-01, Resolution Expressing Support To Proposal 04-01 (Collectively titled "Let Voters Decide – Yes!"), to amend the Michigan Constitution requiring future expansion of gaming to be voted upon at the local and state level.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

4:58 p.m. Councilor Fred Harrington, Jr., leaves

5:00 p.m. Councilor Fred Harrington, Jr., leaves

5:03 p.m. recess called

5:14 p.m. meeting reconvened

5:23 p.m. Councilor Fred Harrington, Jr. leaves

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley for a special work session at 1:00 p.m. for legislative markup for the Proposed Marriage Statute and at 3:00 p.m. for Hotline Web site training on October 8, 2004 to include travel, stipend and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the Waganakising Odawak history video and all the contents there in.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

5:50 p.m. Councilor Rita Shananaquet leaves

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the Tribal Chairman's verbal and written report for September 12, 2004 as presented by Chairman Frank Ettawageshik.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to authorize a \$1,000 donation to the No. VI Leadership Fund to replace a \$1,000 donation for Scott Shackleton.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

5:58 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to postpone the appointments of the Commissions until a Special

Meeting on September 18, 2004 @ 8:00 a.m. to include travel, stipend and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

6:20 p.m. Councilor Rita Shananaquet leaves

6:21 p.m. recess called

6:32 p.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the Legal Departments verbal and written report for September 12, 2004 as presented by Allie Greenleaf Maldonado.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Secretary Dexter McNamara and supported by Vice Chairperson Beatrice A. Law to authorize the Tribal Chairman to present a resolution at the 2004 Annual NCAI Convention to study changing the Legal Structure of NCAI to an Inter-Tribal Treaty Organization.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to present a resolution at the 2004 Annual NCAI Convention regarding Tribal Participation in the Great Lakes Water Resources Compact and Agreement.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to allow the legal department to draft a resolution for presentation to NCAI promoting the verification of Native status when considering Native preference in educational institutions.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to approve an agreement between LTBB and Michigan Tribal Advocates (MTA) for a one-year term commencing September 30, 2004 and ending September 29, 2005 with a monthly fee of \$3,750.00.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara that Tribal Council send a tribal delegation to meet with the President and Legal Counsel of Ferris State University to ask them to consider the large amount of money being paid to the University through WOBTT and the Casino Education Program when honoring the tuition waiver.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to have the Tribal Chairman's Office, Legal Department, and Tribal Lobbyists continue to actively work on a plan that would preserve, protect and pay the Michigan Indian Tuition Waiver for LTBB students and all Michigan Indian students.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

7:31 p.m. recess called

7:35 p.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Vice Chairperson Beatrice A. Law to make the appointments for the Commissions, Boards and Committees only from the applicants whose applications were submitted by the interview date on September 11, 2004. Additional applications will be accepted in the event that a vacancy remains unfilled after the Special Meeting on September 18, 2004.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Fund request #A0082 for \$5,000.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to approve Burial Fund request #A0083 for \$5,000.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Fund request #A0084 for \$5,000.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve the Data Sharing Agreement between LTBB and Charlevoix County GIS and authorize the Tribal Chairman and the GIS Director to sign.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to adopt resolution #091204-02, ITC STEPS *To A Healthier U.S.* Project, U.S. Department of Health and Human Services, Centers for Disease Control Little Traverse Bay Bands of Odawa Indians STEPS Comprehensive Grant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-absent, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt resolution #091204-03, Request for Funding from the Lumina Foundation for Education, Little Traverse Bay Bands of Odawa Indians Access to Education Project.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-absent, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to approve all Tribal Council to attend the 2nd Annual National Native American Finance Conference at the Pechanga Resort and Casino on January 19 – 21, 2005 in Temeculah, CA to include travel, stipend and lodging.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to approve Enrollment list "A" Eligible for Membership, dated August 30, 2004.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve Enrollment list "B" declination ineligible for Membership, dated August 30, 2004.

Vote: 4 Yes, 1 No (Secretary Dexter McNamara), 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank for Tribal Council to send a postcard designed by the NativeVote2004 supporters to all Tribal members 18 and older notifying them of the importance of registering to vote, funds to come from cultural activities line item not to exceed \$1,200.00.

Vote: 4 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 1 Abstained (Councilor Regina Gasco Bentley)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Tribal Administrator's written report as presented by Albert Colby Jr. on September 12, 2004.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to direct the Tribal Administrator to schedule an excess equipment giveaway to the Tribal members from the storage facility before the end of October 2004.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that December 23rd and 24th, 2004 will be observed as the Christmas holidays, December 30th and 31st 2004 will be observed as the New Year holidays and the Tribal Governmental Offices will be closed.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve the Subcontract for 2004 – 2005 between Inter-Tribal Council and the Little Traverse Bay Bands of Odawa Indians defining management responsibilities of Child Care Funds for out of home placements and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the Wildland and Fire Management Memorandum of Agreement #AGF50040014 Addendum No. 1 and authorize the Tribal Chairman or his designee to sign the document.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to go into closed session for Land #14 and #15 at 9:28 p.m.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

9:54 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to return to open session.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to direct the Tribal Chairman to pursue an option on Land #14.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to go into closed session for personnel at 9:58 p.m.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

10:32 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to return to open session.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to adjourn at 10:32 p.m.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Fred Harrington, Jr., Councilor Rita Shananaquet) 0 Abstained

Motion Carried

These Minutes have been read and approved as written:
Approved:

Dexter McNamara, Tribal Secretary

Date